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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 JERRY L. AUBREY, TIMOTHY J.
AUBREY, BRIAN S. CHERRY,
18 AARON M. GLASSER,

19 Defendants.

Case No. SACV 11-1564 JVS (RNBx)

**JUDGMENT OF PERMANENT
INJUNCTIONS AGAINST
DEFENDANT JERRY L. AUBREY**

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1 Pursuant to Rule 55 of the Federal Rules of Civil Procedure, the Application
2 of Plaintiff Securities and Exchange Commission for Entry of Default Judgment
3 Against Defendant Jerry L. Aubrey came before this Court. The Court, having
4 considered all evidence and argument in connection with the Application, enters
5 the following Final Judgment:

6 **I.**

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
8 Securities and Exchange Commission’s Application for Entry of Default Judgment
9 Against Defendant Jerry L. Aubrey is GRANTED.

10 **II.**

11 IT IS ORDERED, ADJUDGED, AND DECREED that Jerry L. Aubrey
12 (“Jerry Aubrey”) and his agents, servants, employees, attorneys, and all persons in
13 active concert or participation with them who receive actual notice of this Final
14 Judgment by personal service or otherwise are permanently restrained and enjoined
15 from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act
16 of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
17 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
18 interstate commerce, or of the mails, or of any facility of any national securities
19 exchange, in connection with the purchase or sale of any security:

- 20 (a) to employ any device, scheme, or artifice to defraud;
- 21 (b) to make any untrue statement of a material fact or to omit to state a
22 material fact necessary in order to make the statements made, in the
23 light of the circumstances under which they were made, not
24 misleading; or
- 25 (c) to engage in any act, practice, or course of business which operates or
26 would operate as a fraud or deceit upon any person.

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1 **III.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Jerry
3 Aubrey and his agents, servants, employees, attorneys, and all persons in active
4 concert or participation with them who receive actual notice of this Final Judgment
5 by personal service or otherwise are permanently restrained and enjoined from
6 violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”), 15
7 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or
8 instruments of transportation or communication in interstate commerce or by use
9 of the mails, directly or indirectly:

- 10 (a) to employ any device, scheme, or artifice to defraud;
- 11 (b) to obtain money or property by means of any untrue statement of a
12 material fact or any omission of a material fact necessary in order to
13 make the statements made, in light of the circumstances under which
14 they were made, not misleading; or
- 15 (c) to engage in any transaction, practice, or course of business which
16 operates or would operate as a fraud or deceit upon the purchaser.

17 **IV.**

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Jerry
19 Aubrey and his agents, servants, employees, attorneys, and all persons in active
20 concert or participation with them who receive actual notice of this Final Judgment
21 by personal service or otherwise are permanently restrained and enjoined from
22 violating Section 5 of the Securities Act, 15 U.S.C. § 77e, by, directly or indirectly,
23 in the absence of any applicable exemption:

- 24 (a) Unless a registration statement is in effect as to a security, making use
25 of any means or instruments of transportation or communication in
26 interstate commerce or of the mails to sell such security through the
27 use or medium of any prospectus or otherwise;
- 28 (b) Unless a registration statement is in effect as to a security, carrying or

1 causing to be carried through the mails or in interstate commerce, by
2 any means or instruments of transportation, any such security for the
3 purpose of sale or for delivery after sale; or

- 4 (c) Making use of any means or instruments of transportation or
5 communication in interstate commerce or of the mails to offer to sell
6 or offer to buy through the use or medium of any prospectus or
7 otherwise any security, unless a registration statement has been filed
8 with the Commission as to such security, or while the registration
9 statement is the subject of a refusal order or stop order or (prior to the
10 effective date of the registration statement) any public proceeding or
11 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

12 **V.**

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
14 that Jerry Aubrey and his agents, servants, employees, attorneys, and all persons in
15 active concert or participation with them who receive actual notice of this Final
16 Judgment by personal service or otherwise are permanently restrained and enjoined
17 from violating, directly or indirectly, Section 15(a) of the Exchange Act, 15 U.S.C.
18 § 78o(a), which makes it unlawful for any broker or dealer which is either a person
19 other than a natural person or a natural person, to make use of the mails or any
20 means or instrumentality of interstate commerce to effect any transactions in, or to
21 induce or attempt to induce the purchase or sale of, any security (other than an
22 exempted security or commercial paper, bankers' acceptances, or commercial bills)
23 unless such broker or dealer is registered in accordance with subsection (b) of
24 Section 15 of the Exchange Act, 15 U.S.C. § 78o(b).

25 **VI.**

26 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
27 that Jerry Aubrey and his agents, servants, employees, attorneys, and all persons in
28 active concert or participation with them who receive actual notice of this Final

1 Judgment by personal service or otherwise, and any entity Jerry Aubrey owns or
2 controls, are permanently restrained and enjoined from offering unregistered
3 securities.


4 **VII.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
6 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
7 of this Final Judgment.

8 **VIII.**

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
10 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment
11 forthwith and without further notice.

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13 Dated: December 20, 2011


HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On December 15, 2011, I caused to be served the document entitled **[PROPOSED] JUDGMENT OF PERMANENT INJUNCTIONS AGAINST DEFENDANT JERRY L.AUBREY** on all the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency’s practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

UNITED PARCEL SERVICE: By placing in sealed envelope(s) designated by United Parcel Service (“UPS”) with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

ELECTRONIC MAIL: By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

E-FILING: By causing the document to be electronically filed via the Court’s CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: December 15, 2011

/s/ Jennifer T. Purpero
Jennifer T. Purpero

1 **SEC v. JERRY L. AUBREY, et al.**
2 **United States District Court – Central District of California**
3 **Case No. SACV 11-1564 JVS (RNBx)**
4 **(LA-3790)**

5 **SERVICE LIST**

6 **Jerry L. Aubrey (served via U.S. mail only)**
7 c/o Tomoka Correctional Institution
8 3950 Tiger Bay Road
9 Daytona Beach, FL 32124
10 ***Pro Se Defendant***

11 **Robert C. Chandler, Esq. (served via U.S. mail only)**
12 Chandler, Potter & Associates
13 3800 Orange Street, Suite 270
14 Riverside, CA 92501
15 ***Attorney for Defendant Timothy J. Aubrey***

16 **Brian S. Cherry (served via U.S. mail only)**
17 [REDACTED]
18 Newport Beach, CA 92663
19 ***Pro Se Defendant***

20 **Aaron M. Glasser (served via U.S. mail only)**
21 [REDACTED]
22 Irvine, CA 92612-4116
23 ***Pro Se Defendant***